

**20901. Misbranding of Warner's Safe diabetes remedy. U. S. v. Warner's Safe Remedies Co. Plea of guilty. Fine, \$50. (F. & D. no. 28051. I. S. 36664.)**

Examination of the drug preparation, Warner's Safe diabetes remedy, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On May 2, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Warner's Safe Remedies Co., a corporation, Rochester, N.Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 29, 1930, from the State of New York into the State of Louisiana, of a quantity of Warner's Safe diabetes remedy that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, methyl salicylate, a trace of alkaloids, glycerin, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the carton and bottle labels and in the circular, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a remedy for diabetes, and effective as a remedy for diabetes mellitus and diabetes insipidus.

On March 16, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

*R. G. TUGWELL, Acting Secretary of Agriculture.*

**20902. Adulteration and misbranding of fluidextract of ginger. U. S. v. Clarence E. Worthen. Plea of guilty. Fine, \$25. (F. & D. no. 28174. I. S. no. 38927.)**

This case was based on an interstate shipment of a quantity of fluidextract of ginger that was represented to be of pharmacopoeial standard. Examination showed that the article was deficient in material derived from ginger, and contained alcohol in excess of the maximum provided by the United States Pharmacopoeia.

On February 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Clarence E. Worthen, a citizen of Malden, Mass., and a trustee in a declaration of trust for the American Proprietary Syndicate, alleging shipment by said defendant, under the name of the American Drug Sales Co., in violation of the Food and Drugs Act, on or about October 22, 1931, from the State of Massachusetts into the State of New Hampshire, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: (Bottle) "AMPCO Quality Ginger \* \* \* U. S. P. Fluid Extract Not over 90% Alcohol \* \* \* American Proprietary Syndicate \* \* \* Malden, Mass."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, since it did not yield from 1000 grams of the article the amount of soluble material yielded by 1000 grams of powdered ginger, as prescribed by the pharmacopoeia for fluidextract of ginger; and contained not less than 86.4 percent of alcohol by volume, whereas the pharmacopoeia provided that the product should contain not more than 83 percent by volume of alcohol.

Misbranding was alleged for the reason that the statement, "Ginger U. S. P. Fluid Extract", borne on the bottle label, was false and misleading, since the article was not fluidextract of ginger that conformed to the standard prescribed by the pharmacopoeia. Misbranding was alleged for the further reason that the article contained alcohol, and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On May 15, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

*R. G. TUGWELL, Acting Secretary of Agriculture.*